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Attorneys for Plaintiff
HUGO SLUIMER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HUGO SLUIMER,

Plaintiff,

v.

VERITY, INC., a corporation, and THE VERITY
INC. CHANGE IN CONTROL AND
SEVERANCE BENEFIT PLAN,

Defendants.

E-FILING

CASE NO. C 081220 SI

**AMENDED NOTICE OF MOTION
AND MOTION FOR ATTORNEY'S
FEES, COSTS (29 U.S.C. § 1132(g))
AND PREJUDGMENT INTEREST
(28 U.S.C. § 1961)**

Date: November 14, 2008

Time: 9:00 a.m.

Ctrm: 10, 19th Floor

The Honorable Susan Illston

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 14, 2008 at 9:00 am, or as soon thereafter as
counsel may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, Courtroom
10, 19th Floor, San Francisco, California, plaintiff HUGO SLUIMER ("Plaintiff") will and hereby
does move this Court for an order awarding its attorneys' fees, in the amount of \$215,268.00, and
costs in the amount of \$6,735.14, incurred in the pursuit of this action. Plaintiff will also and hereby

1 does move this Court for prejudgment interest. This Motion is made on the grounds that on July 22,
2 2008 summary judgment was entered in favor of Plaintiff, and as a prevailing plan participant,
3 Plaintiff is entitled to attorneys fees and costs as provided in ERISA Section 502(g)(1) ((29 U.S.C.
4 § 1132(g)(1)), and to prejudgment interest as provide for under 28 U.S.C. § 1961.

5 Pursuant to Local Rule 54-6(a), Plaintiff attempted to resolve the claims for fees, costs and
6 interest with Defendants prior to filing the instant motion. However, the efforts were unsuccessful.

7 This Motion is based upon this Notice, the Memorandum of Points and Authorities attached
8 below, the July 22, 2008 Order of the Court granting Plaintiff's motion for summary judgment, the
9 transcript of the July 22, 2008 hearing, the complete files and records of this action, the Declarations
10 of William Reilly, Kevin Gill, Cliff Palefsky, Keith Ehrman and Scott Kalkin, and on such oral and
11 documentary evidence as may be presented at the hearing on this Motion.

12
13 Respectfully submitted,

14 RIMAC & MARTIN, P.C.
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16 DATED: September 5, 2008

17 By: /s/ WILLIAM REILLY
18 WILLIAM REILLY
19 Attorneys for Plaintiff
20 HUGO SLUIMER
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